

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

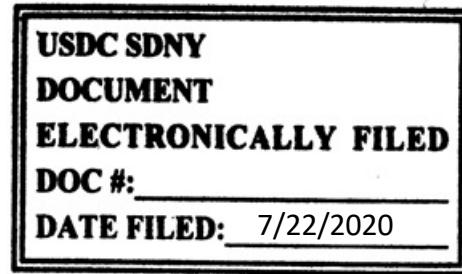
Brian Sughrim et al,

Plaintiffs,

-against-

State of New York et al,

Defendants.



1:19-cv-07977 (RA) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Before the Court is Plaintiffs' Letter Motion (ECF No. 160) raising several discovery disputes. Following a telephone conference with the parties today, and for the reasons stated on the record, it is hereby ORDERED, as follows:

1. No later than Wednesday, July 29, 2020, the parties shall file a proposed Protective Order regarding the treatment of confidential information.
2. Defendants shall produce the log or logs maintained by Defendants in a central location that identify officers who have requested facial hair accommodations, whether for religious or other reasons, with the names of the officers and any other identifying information redacted.
3. After reviewing the log(s), Plaintiff may identify up to twelve officers for whom Defendants shall produce underlying documentation concerning the officers' accommodation requests, including the grounds for the request and the reason(s) for granting or denying the request. Defendants may choose to identify up to an additional twelve officers to be included in the sample. The parties shall then meet and confer regarding the scope of any further production. If necessary, Plaintiffs may

make a further application to the Court regarding the underlying documents. As with the log(s), Defendants shall redact the officers' names and any other identifying information.¹

4. No later than Wednesday, August 5, 2020, the parties shall file additional briefing, not to exceed five pages each, regarding whether Plaintiffs are entitled to the officers' names at this stage of the case.
5. Defendants shall produce notices of discipline that were given to officers for maintaining a beard from August 26, 2016 to the present. As with other documents, Defendants shall redact the officers' names and any other identifying information.
6. Following the Court's entry of an appropriate Protective Order, the parties shall meet and confer regarding Plaintiffs' request for the identification of officers covered by the Temporary Restraining Order and the level of protection that should apply to such information.
7. The parties shall continue to meet and confer regarding the appropriate scope of production of documents regarding the administration of DOCCS's respirator policy.
8. The deadline for Plaintiffs to respond to Defendants' Letter Motion (ECF No. 167) is extended until Friday, July 24, 2020. Defendants shall file their reply, if any, no later than Wednesday, July 29, 2020.
9. No later than August 6, 2020, Defendants shall produce an initial privilege log for any privileged documents that have been withheld as of that date. Going forward, the

¹ In lieu of the provisions of Paragraph 3 of this Order, the parties may mutually agree to the production of a smaller subset of documents setting forth the bases for the decisions made regarding the accommodation requests, in which case, Paragraph 3 would become moot.

parties shall update their respective privilege logs, as needed, within fourteen days of any production.

10. The Court by separate Order will grant the parties joint request for an extension of time to complete discovery related to Plaintiffs' Motion for Preliminary Injunction and anticipated Motion for Class Certification. Further extensions shall be granted only for good cause shown and then only for a limited purpose.

The Clerk of Court is respectfully requested to close the gavel at ECF No. 160.

SO ORDERED.

DATED: New York, New York
July 22, 2020

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge